

Notice of Allowability

Application No.

10/748,623

Examiner

Thomas Price

Applicant(s)

KADHIM, ALA J.

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to an application filing on 12-30-2004.
2. ☒ The allowed claim(s) is/are 1, 2, 5 and 8-10.
3. ☒ The drawings filed on 30 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

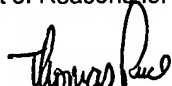
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12-30-2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 12-07-2004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Thomas Price
Primary Examiner GAU: 3643

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael Kroll on 12-07-2004.

The application has been amended as follows:

(Amended) claim 1. A marinating tray for meat food products, comprising:

a) a base tray, said base tray being [triangular] rectangular shaped having a pair of longer opposite sides, [and] a pair of shorter opposite sides, said sides upwardly extending from a bottom having a substantially flat planar surface [a bottom having an underside, and upwardly extending sidewalls on each said side] to permit fluid to be contained therein;

b) a plurality of upwardly extending spikes being disposed on a portion of said bottom in a spaced apart relationship to permit the spikes to penetrate a food product placed in the marinating tray; said bottom including a second area having no spikes,

c) a cover being complementarily shaped as said base tray so as to fit on top of said base tray, said cover being defined by a top having an upper side, and downwardly extending sidewalls on each said side, wherein said sidewalls of said cover are disposed downwardly when said cover is disposed on top of said

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base tray, wherein said downwardly extending sidewalls of said cover mate with said upwardly extending sidewalls of said base tray when said cover is disposed on top of said base tray to permit fluid to be contained therein;

d) a second plurality of downwardly extending spikes being disposed on a portion of said top of said cover in a spaced apart relationship and complementarily positioned with respect to said spikes of said base tray when in the closed position to permit the spikes to penetrate a food product placed in the marinating tray; said cover including a second area having no spikes, and

e) a plurality of hinges being disposed on adjacent sides of said base tray and said cover to permit the base tray and the cover to be moved to a closed position and thereafter moved to an open position[.],

f) said base tray having a recessed concave portion positioned in said second area of said base tray, said cover having a complementarily positioned recessed concave portion in said second area of said cover, said concave portion of said base tray having a plurality of upwardly extending spikes disposed therein, and said concave portion of said cover having a plurality of downwardly extending spikes disposed therein, each concave portion is in the shape of a chicken leg.

Cancel claims 3, 4, 6, 7 and 11-13.

In claim 5, line 1, delete "4" while inserting -1--.

In claim 8, line 1, delete "7" while inserting -1--.

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In claim 9, line 1, delete "8" while inserting --1--.

In claim 10, line 1, delete "9" while inserting --1--.

The following is an examiner's statement of reasons for allowance: The claimed marinating tray for meat food products is believed to be in condition for allowance and is being passed onto issue. The prior art of record does not anticipate nor render obvious with proper teaching(s) the claimed invention. The claimed invention is directed to a complementary positioned and operable base tray and cover. The cover and base tray have a first portion with a plurality of spikes and second area or portion without spikes. The second areas have a recessed concave portion in which each include a plurality of extending spikes. Each concave portion is in the shape of a chicken leg.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Prior Art of Record

The U.S Patents of Foster, Hulquist, Robinson, Shults, Hurley, Harrison, Ramsey are references which teach pivotally attached plates, each having a plurality of tines in order to tenderize meat. The reference to Hatch includes similar structure but is designed to cut food. The references to Puustinen and Beavers teach recessed portion which includes a plurality of tines in order to hold the food or to grate the food. Jaccard and Fiorello teach a meat pressing apparatus which stamp individual portions

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of food in a mold. Peters teaches a package for transporting and roasting meat having a concave portion for receiving the meat product.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Price whose telephone number is 703-308-2694. The examiner can normally be reached on Monday through Friday from 8:30a.m. to 5:00p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas Price

Primary Examiner GAU: 3643

rtp